

PTO/SB/64/PCT (12-04)

Approved for use through 03/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

DOCKET NUMBER  
(Optional)

First Named Inventor: ZAINEA LIVIU-NIKOLAE

International (PCT) Application No.: PCT/GR03/00016

Filed: 15 MAY 2003

Title: WIDEBAND SOUND  
DIFFUSER METHODS  
MONITORING

U.S. Application No.:  
(if known)

10/510,760

RECEIVED

18 AUG 2005

Legal Staff  
International Division

Attention: PCT Legal Staff

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity - fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Proper reply**

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of  
(identify type of reply):

has been filed previously on 27/07/2005 by VISA # 765-0070  
65.00 OP  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.

PTO/SB/84/PCT (12-04)

Approved for use through 03/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**3. Terminal disclaimer with disclaimer fee**

Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.**

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Signature

Date

ZAINEA LIVIO - MIKOLAB

Typed or Printed Name

ATHENS, 14 PERISIAOU

Address

TK 11141, GREECE

Address

Registration Number, if applicable

00302102027191

Telephone Number

0030 6936607321Enclosures:  Response Fee Payment Terminal Disclaimer Other (please identify):

1) Privileged emails between  
ZAINEA LIVIO AND MS. RICHARD BITTER  
2) Privileged Email Sent to MR. VICE -  
- President  
Richard Chewey

**ESR Zinea Liviu**

**From:** "ESR Zinea Liviu" <liviu@zinea.com>  
**To:** <vice.president@whitehouse.gov>  
**Sent:** Monday, July 25, 2005 3:12 PM  
**Attach:** RE\_us application nr 10\_510,760 zinea liviu nikolae , International application PCT\_GR03\_00012.eml; RE\_us application nr 10\_510,760 zinea liviu nikolae , International application PCT\_GR03\_00013.eml; Re\_us application nr 10\_510,760 zinea liviu nikolae , International application PCT\_GR03\_00014.eml; Re\_us application nr 10\_510,760 zinea liviu nikolae , International application PCT\_GR03\_00015.eml; RE\_us application nr 10\_510,760 zinea liviu nikolae , International application PCT\_GR03\_00016.eml; RE\_us application nr 10\_510,760 zinea liviu nikolae , International application PCT\_GR03\_00017.eml; Re\_us application nr 10\_510,760 zinea liviu nikolae , International application PCT\_GR03\_00018.eml; Read\_Re\_us application nr 10\_510,760 zinea liviu nikolae , International application PCT\_GR03.eml; Us application nr 10\_510,760 zinea liviu nikolae , International application PCT\_GR03\_00016.eml; ZINEA-alpha-bank-extras.gif; zinea-check-to-the-direc.gif; zinea-uspatent-office-leff.gif; ATT00173.htm  
**Subject:** International application nr. PCT/GR03/00016 , US APPLICATION NR. 10/510,760, FIRST NAMED APPLICANT: ZINEA LIVIU-NIKOLAE

International application nr. PCT/GR03/00016 , US APPLICATION NR. 10/510,760, FIRST NAMED APPLICANT: ZINEA LIVIU-NIKOLAE

Dear Sir, Mr.Vice President Richard Cheney,

Please permit me to present you a very serious problem that I've encountered with my application at the US Patent and Trademark Office.

1. After obtaining the Greek National Patent [ nr. 1004186 from 21/5/2002 ] I've made 2 new applications - towards the European Patent Office and US Patent and Trademark Office.

2. With the check nr. 016700703 /Oct7 2004 I paid at Alpha Bank [ see attached the check & Bank's extras copies ] the amount of 400 EURO as Small Entity.

I am a Self Employed co. , VAT EL 028 47 72 54 , registered at the Greek Chamber of Commerce, nr. 149373/01-01-1990, Export permission nr. 30129/2002.

3. The procedure for the European Patent Office begun by sending in the same day [016700703 /Oct7 2004] and the payment for them similar and made at the same bank as for USPO.

4. The European Patent Office already published the EP 1506541 / 037207628 and I'm waiting for the Grant , BUT, it was not the same normal procedure for :

5. From the US Patent and Trademark Office I've received a NOTIFICATION OF ABANDONMENT , MAILED 04/12/2005 WITH DETERMINATION:

"applicant has failed to provide the FULL US Basic National fee by 30 months. [the letter attached].

(B) 2

Attached are also the few emails exchanged between me and the US Patent and Trademark Office, where in all, they are not recognizing the nr. Of my application even if each time I've sent the scanned documents.

My invention is proved and acknowledged as an historical one in the field of acoustical material and is very sad to have problem exactly from your office where valuable inventions are registered.

Please help me in this situation.

Yours faithfully,

Mr. Zinea Liviu Nicolae

A NEW WAY TO HEAR EVERYTHING BETTER!  
This is ESR - a Sound Consulting & Recording Co.

An Invention: the complete acoustical material: a clean sound diffuser & self regulated low frequency absorber  
The R1 will bring your recording & mixing sessions and your live performances there where you always dreamed to the naturally perceived sound !

Mr. Zinea Liviu- Mechanical engineer, Acoustical consultant, Member of Acoustical Soc. of America  
Address: ESR, 14 Peresiadou St, Athens, TK11141, Greece, Tel/Fax 0030 210 2027191, Mobile Phone: 0030 693 66 07 321

URL: <http://www.zinea.com> The Acoustical site with more than 7000 pages  
Business collaboration with a short invention presentation <http://www.zinea.com/IRCNnetwork.htm>

**ESR Zinea Liviu**

**From:** "Booker, Patricia" <Patricia.Booker@USPTO.GOV>  
**To:** "ESR Zinea Liviu" <liviu@zinea.com>  
**Sent:** Wednesday, July 27, 2005 6:18 PM  
**Attach:** ATT00012.htm; zinea visa payment.jpg; spring-gulls.jpg  
**Subject:** RE: 10/510760

The \$460 is in a holding code awating application  
I will make sure that this case gets immediate attention and thanks for sending information

—Original Message—

**From:** ESR Zinea Liviu [mailto:liviu@zinea.com]  
**Sent:** Wednesday, July 27, 2005 11:06 AM  
**To:** Booker, Patricia  
**Subject:** Re: 10/510760

Dear Ms. Booker,

Atached is the payment form. I hope this is ok.  
Please tell me , the 460 \$ paid are... lost ?

Yours,  
Zinea Liviu

— Original Message —

**From:** Booker, Patricia <mailto:Patricia.Booker@USPTO.GOV>  
**To:** ESR Zinea Liviu <mailto:liviu@zinea.com>  
**Sent:** Wednesday, July 27, 2005 5:30 PM  
**Subject:** RE: 10/510760

If you don't already have an account set up, You can send credit card authorization form with account information  
(and we will apply the fees and send it to Legal Department) and yes this will solve the situation. If I can help you  
any further just contact me

—Original Message—

**From:** ESR Zinea Liviu [mailto:liviu@zinea.com]  
**Sent:** Wednesday, July 27, 2005 9:47 AM  
**To:** Booker, Patricia  
**Subject:** Re: 10/510760

Dear Ms. Patricia Booker,

Thank you for your answer.

May I consider that I agree with an authorization form, cod 2453, in the invent that there are additional fees and  
this is solving the situation ?

[ the white bird background means sincerity and freedom, think a while in which psychological situation I was all  
those passed months...]

Please send me a nr. account where to put the 765 USD.  
Also, if you are kind, tell me which are the next steps [further payments and when] in order to not happen again  
something like that.

Best regards,  
Zinea Liviu

A 2

From: Booker, Patricia <mailto:Patricia.Booker@USPTO.GOV>  
To: ESR Zinea Liviu <mailto:liviu@zinea.com>  
Sent: Wednesday, July 27, 2005 3:48 PM  
Subject: RE: 10/510760

Mr Zinea,

The only reason application became abandoned is because we didn't have any authorization to charge additional fees. So at this point all you can do is file a petition for unintentionally abandoned application which is \$750.00 and the \$15.00 for Basic Filing Fee. Also it would be in your best regards to send a authorization form in the invent that there are additional fees.

The code for petition will be (2453) If you have any questions feel free to contact me

—Original Message—

From: ESR Zinea Liviu [mailto:liviu@zinea.com]  
Sent: Tuesday, July 26, 2005 12:45 PM  
To: Booker, Patricia  
Subject: Re: 10/510760

Dear Mrs. Patricia Booker ,

Almost to put me on the wall was this ! for 15 \$ to loose the US patent ?

Warmly, please tell me what to do to revive the application .

My invention is one of the most important in the acoustical materials field and , believe me I didn't knew what to think about...

Hope that everything will come back in normal ...

Yours,  
Mr. Zinea Liviu

A NEW WAY TO HEAR EVERYTHING BETTER!

This is ESR - a Sound Consulting & Recording Co.

An Invention: the complete acoustical material: a clean sound diffuser & self regulated low frequency absorber  
The R1 will bring your recording & mixing sessions and your live performances there where you always dreamed:  
to the naturally perceived sound !

Mr. Zinea Liviu- Mechanical engineer, Acoustical consultant, Member of Acoustical Soc. of America  
Address: ESR, 14 Peresiadou St, Athens, TK11141, Greece, Tel/Fax 0030 210 2027191, Mobile Phone: 0030 693 66 07 321  
URL: <http://www.zinea.com> The Acoustical site with more than 7000 pages  
Business collaboration with a short invention presentation <http://www.zinea.com/IRGNetwork.htm>

— Original Message —

From: Booker, Patricia <mailto:Patricia.Booker@USPTO.GOV>  
To: liviu@zinea.com  
Sent: Tuesday, July 26, 2005 6:20 PM  
Subject: 10/510760

Goodmorning Zinea,

I'm communicating via e-mail.

Because I couldn't get through with the phone number you provided. You provided a check in the amount of \$460.00 for this application (Unfortunately the amount due was \$475.00) and since there was no other way to retrieve payment case became abandoned. Now the only thing to do at this point is to file a petition to revive

application. I look forward to hearing from you

(A) 3

Thanks

Patricia Booker  
Paralegal Specialist(PCT Operations, DO/EO)  
wk(703)308-9140 ext 204

Patricia Booker  
Paralegal Specialist(PCT Operations, DO/EO)  
wk(703)308-9140 ext 204  
fax(703)746-6695

05 AUG 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
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P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Zainea Liviu-Nikolae  
14 Peresiadou St., TK11141  
Athens  
GREECE

In re Application of  
LIVIU-NIKOLAE, Zainea  
Application No.: 10/510,760  
PCT No.: PCT/GR03/00016  
Int. Filing Date: 15 May 2003  
Priority Date: 21 May 2002  
Attorney Docket No.: None

FOR: WIDEBAND SOUND DIFFUSER  
METHODS MOUNTING IT

## DECISION ON

## PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's request to withdraw the abandonment, filed in the United States Patent and Trademark Office on 27 May 2005.

BACKGROUND

On 15 May 2003, applicant filed international application PCT/GR03/00016. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 27 November 2003. The deadline for entry into the national stage in the United States was 21 November 2004.

On 12 October 2004, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, a check for \$460.

On 12 April 2005, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely pay the basic national fee.

On 27 May 2005, applicant made a submission contesting the holding of abandonment and submitted an additional \$290.

DISCUSSION

The basic national fee, as of 01 October 2004 until 08 December 2004, for a small entity with an EPO or JPO search report, was \$475. Applicant paid \$460, which was not enough to satisfy the basic national fee. When the complete payment was not received by 21 November 2004, the application went abandoned for failure to pay the basic national fee. As such, the Notification of Abandonment was proper.

Application No. 10/510,760

-2-

To revive this application, applicant may wish to consider filing a petition to revive under 37 CFR 1.137(b). The form for this petition is included with this decision. The fee for revival for a small entity is currently \$750. The proper reply is the basic national fee, which is currently \$150. Applicant also must furnish the search fee, \$200, the examination fee, \$100, a declaration of inventorship and the fee for late furnishing of the search fee, examination fee or declaration, \$130, but these fees and declaration are not required to revive the application. Applicant has currently furnished \$750.

### CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application remains **ABANDONED**.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

*Erin P. Thomson*

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292  
Facsimile: 571-273-0459

Enclosure: Petition For Revival Under 37 CFR 1.137(b) (Form PTO/SB/64/PCT)